

REMARKS

Applicant graciously acknowledges the telephone interview conducted with the Examiner on May 19, 2005. Applicants have studied the Office Action dated February 23, 2005, and have made amendments to the claims. Claims 13-16 and 18-21 are pending. Claim 13 is an independent claim. Claims 13 and 16 have been amended. No new matter has been entered. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Specification

Amendments have been made to the specification at paragraph 31 to correct typographical errors. No new matter has been added by these amendments, which are not related to patentability.

Claim for Foreign Priority under 35 U.S.C. § 119

The Examiner acknowledged the Applicant's claim for foreign priority under 35 U.S.C. § 119 and indicated that a certified copy of the priority document had not yet been received. A certified copy of the priority document, 2000-30321, was forwarded to the USPTO with the initial filing of the patent application on May 30, 2001.

In the telephone interview with the Examiner on May 19, 2005, the Examiner indicated that the certified copy of the priority document apparently was lost by the USPTO and he requested that another certified copy of the priority document be provided. Applicant will provide another certified copy of the priority document.

§ 112 Rejections

Claims 13-16 and 18-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner asserted that the phrase "may be controlled by a single driver" renders scope of claim 13, and claims 14-16 and 18-20, which depend from claim 13, unascertainable because the elements encompassed by "may be" are not actually disclosed.

With this paper, claim 13 has been amended to replace the phrase “may be controlled by a single driver” with “controllable by a single driver.” In the telephone interview with the Examiner on May 19, 2005, the Examiner apparently agreed that the amendment is sufficient to overcome the grounds for rejection. It is respectfully submitted that the grounds for the rejection have been overcome and it is respectfully requested that the Examiner withdraw the rejection.

§ 102 Rejections

Claims 13 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ishizaki et al. (“Ishizaki” U.S. Patent No. 6,044,041). This rejection is respectfully traversed.

With this paper, independent claim 13 has been amended to recite a “single micro mirror” and that the “micro mirror, focusing lens and SIL are held stationary with respect to each other.” These limitations are significant given the stated object of the present invention to “provide an optical pickup head, of which weight is minimized for enhancing tracking accuracy and speed.” See specification at paragraph 06. It is respectfully submitted that providing a “single mirror” reduces weight as does the “micro mirror, focusing lens and SIL are held stationary with respect to each other,” since no separate drive mechanism need be provided for any of the elements.

It is respectfully noted that Ishizaki discloses two mirrors, neither of which is disclosed as a “micro mirror.” See elements 69 and 70 in Ishizaki FIG. 4. Therefore, it is respectfully asserted that the invention of independent claim 13 is patentably structurally different from the invention disclosed by Ishizaki and claim 13 is allowable over the cited reference. It is further respectfully asserted that claim 18, which depends from claim 13, also is allowable over the cited reference.

§ 103 Rejections

Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishizaki in view of Jerman et al (“Jerman” U.S. Patent No. 6,061,323). This rejection is respectfully traversed.

As previously asserted, independent claim 13 is allowable over Ishizaki. It is respectfully submitted that Jerman fails to cure the deficiencies of Ishizaki with respect to independent claim 13. Therefore, it is respectfully asserted that independent claim 13 is allowable over the cited

references. It is further respectfully asserted that claims 14 and 15, which depend from claim 13, also are allowable over the cited reference.

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishizaki and Jerman as applied to claim 15 and further in view of Ohashi et al ("Ohashi" U.S. Patent No. 6,487,224). This rejection is respectfully traversed.

As previously asserted, independent claim 13 is allowable over Ishizaki and Jerman. It is respectfully submitted that Ohashi fails to cure the deficiencies of Ishizaki and Jerman with respect to independent claim 13. Therefore, it is respectfully asserted that independent claim 13 is allowable over the cited references. It is further respectfully asserted that claim 16, which depends from claim 13, also is allowable over the cited reference.

Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishizaki in view of Mandella (U.S. Patent No. 6,181,478). This rejection is respectfully traversed.

As previously asserted, independent claim 13 is allowable over Ishizaki. It is respectfully submitted that Mandella fails to cure the deficiencies of Ishizaki with respect to independent claim 13. Therefore, it is respectfully asserted that independent claim 13 is allowable over the cited references. It is further respectfully asserted that claims 19 and 20, which depend from claim 13, also are allowable over the cited reference.

New Claims

With this paper, new claim 21 has been added. Support for the new claim is found in the application as originally filed. It is respectfully asserted that claim 21, which depends from claim 16, is in condition for allowance for the same reasons given herein with respect to claim 16.

CONCLUSION

In view of the above remarks, Applicant submits that claims 13-16 and 18-21 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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Date: May 24, 2005

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